REMARKS

The Examiner is thanked for his/her careful and very thorough Office Action. The Examiner is particularly thanked for the helpful suggestions regarding correction of the alleged informalities.

Claims 1 – 5, 9 – 12, 14 – 19, and 23 – 26 have been rejected. By the foregoing amendments, various Claims are sought to be amended or canceled without prejudice.

Note that the amendments to Claim 27 are intended to be purely formal amendments, and are believed not to change the scope of these claims.

The Examiner has stated that Claims 6 – 8, 13, 20 – 22, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. By the foregoing amendments, Applicant has amended Claims 6 – 8, 13, 20 – 22, and 27 as suggested by the Examiner, and their allowance is respectfully requested.

The foregoing amendments to the specification are submitted to improve clarity, and to remove various typographical and other minor informalities. These changes are respectfully asserted not to introduce new matter, and their entry is respectfully requested.

Art Rejections

The art rejections are all respectfully traversed.

Review of the References

Some of the major technical differences between the references applied and the disclosure of the present application will now be reviewed. Of course,

these points in the specification do not define the scope or interpretation of any of the claims; they are listed merely to help appreciate the importance of the claim distinctions that will be reviewed thereafter.

If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out very specifically where such teaching may be found.

The Examiner's major argument of rejection is that Lee discloses "transmitting information 210 related to ***the intended use of the data*** in a client application from the client computer to the server" [Emphasis added] (see page 3, Lines 1-2 of office action) and "the information related to ***the intended use of data*** is transmitted to the server and this transmitted information is used by the server application program to modify the data" [Emphasis added] (see page 4, line 4-6 of office action) and therefore Lee teaches an image display system comprising a visual server "having image processing capability where the visual server is configured to selectively receive ***image-modifying data*** corresponding to a generated image", and "generate a modified image based upon the ***image-modifying data***" [Emphasis added] (see page 3 last paragraph to page 4 first paragraph of office action).

The premise of the Examiner's reasoning above is that Lee's teaching of "the intended use of data" transmitted from client to server is either equivalent to or implies applicant's "image-modifying data" transmitted from client to server.

Applicant respectfully submits that Lee's "the intended use of data" fails to teach "image-modifying data". Lee's "the intended use of data" differs in three aspects from "image-modifying data": (1) the semantics of the definitions; (2) the syntactical complexity and scope; and (3) the application of the information at the server.

First, the semantics of "the intended use of data" differs from "image-modifying data". Lee did not define what "the intended use of data" is. However, its meaning can be derived from and should be interpreted according to the specification of the reference. Lee states that "information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify data" (*Lee, col. 3, lines 18-21*). Lee qualified this concept by giving a possible implementation scenario starting at col. 3, line 42, where Lee seems to say that "the intended use of data" is implemented by using a preference list, and "System preferences may be set up to specify, for example, preferred formats. Thus, when a web browser makes a request to the web server, the web server may make assumption based on the client computer preference list." (*Lee col. 3, lines 51-54*). Then Lee proceeds with an example illustrating how this can be done in web browser context:

> "Typically, in the present invention, the computer preference list is used as information related to the intended use of the client application or utilized in conjunction with the user's intended use in order to make judgments on ***how the data from the server will be output and sent to the client computer***" [Emphasis added] (*Lee, col. 3, lines 63-67*).

Lee further gives examples to qualify its meaning: "printing versus viewing an image file" (*Lee, col. 4, lines 55-56*), "whether the data will be sent to a PDA" or "a computer or TV monitor" (*Lee, col. 7, lines 2-5*).

To summarize, "the intended use of data" in Lee is about different data representation on the same information relating to the quality of the data comprising its accuracy, completeness, timeliness, relevance, and interpretability in the context of its fitness for use. In other words, it is about whether the quality of the data "good enough" for its intended purpose. Specifically in Lee, when client sends "the intended use of data", the client is informing the server of intended purpose of the requested data so that the server can modify the format of the data, but the context or information of the data shall stay the same. As a result, in Lee even though "the intended use of data" instructs server to modify the syntactical representation (or formatting) of an image, the image's context or information will always stay the same.

Contrastingly, "image-modifying data" in current application has different meaning. The specification states "the visual server 12 can either generate a full image modified with the image-modifying data from the client and then compress the generated image, or the visual server 12 can solely generate the data in a specified format for the modified image" (*Application, page 7, lines 27-29*). Thus, "image-modifying data" not only can instruct server to generate the data in a specified format preserving the context or information contained in the image but also can further instruct the server generate a modified image based on an image, changing the context or information contained in the image. As a result, "image-modifying data" instructs server not only to change the syntactic representations (or formatting) of an image, but also its context or information leading to a different image. This is implied in the specified examples of its application in gaming or multimedia application (*Application, page 7, line 23*), wherein a series of

images are involved instead of just one image (*Application, page 8, lines 12-15*). This is also stated as a "commercial advantage in that the client can interactively generate complex graphical images to a user" (*Application, page 5, lines 24-25*) by generating "only the data necessary to render an image at the client, and does not need to fully produce an image at the visual server" (*Application, page 7 line 30 to page 8 line 2*) or when "a specific amount of image-modifying data is ready to be sent" (*Id.*).

Secondly, the syntactical complexity and scope of "the intended use of data" is different to those of "image-modifying data". Lee never defined explicitly the syntactical structure for "the intended use of data". However, as pointed above, it suggests the use of a preference list (*Lee, col. 3, lines 51-54, 63-67*), such as "different colors, (RGB, CMKY, etc.) or different formats (JPEG, uncompressed TIF, etc.)" (*Lee, col. 6, lines 40-42*).

On the other hand, "image-modifying data" requires much more powerful and complicated syntax representations. It contains <u>data</u> (*Application, page 5, lines 15-18*) (*the step of transmitting the image-modifying data ... is transmitting the image-modifying data from the client to the visual server as* ***data*** *sufficient to generate an image frame*) [emphasis added] and <u>instructions</u> (*Application, page 9, lines 27-31*) (*The visual server ... generates the corresponding modified image based upon the image-modifying data received .... If the image data* ***requires aggregation*** *to complete the image, then the visual server 12 aggregates the data*) [emphasis added]. Its complicated syntax requires very powerful syntactical representations such as a graphics API (page 9, lines 24-25), and the specification suggests two representative APIs: OpenGL or Direct3D (page 7,

line 6). Brief introductions to OpenGL and Direct3D from Wikipedia (available at http://en.wikipedia.org/wiki/OpenGL and http://en.wikipedia.org/wiki/Direct3D) are enclosed as addendums for the Examiner's convenience.

Finally, the way "the intended use of data" is used by the server in Lee is different from the way "image-modifying data" is used by the server in the current application. In Lee, the client only conveys to the server its purpose of the image, the server decides how to optimize the data (*Lee, col. 5, lines 16-18*) (Based on the available information from the client application, the server application makes decisions on how to optimize the data*); See also col. 6, lines 17-19 (the adjustment to the brightness of the image or colorspace will be made automatically by the server applications program*); (*See also col. 6, lines 45-48*) (*based on the information transmitted, the server makes choices about how the data will be optimized for its intended use in the client application.*) Therefore, in Lee, the client sets the objective, and the server determines the details of how to achieve this objective. The client application in Lee is not involved in the decision making.

Contrastingly, the server in the current application is not allowed to make a decision. It must follow the instructions sent by the client and contained in "image-modifying data" (*Application, page 7, lines 27-30 and page 9 line 27 to page 10 line 2*). That is because one of the objectives of current inventions is to borrow the computing power of the server "without the need for significant client resources" (*Application, page 5, line 25-26*), different from that of "reductions in the amount of data transferred" in Lee (*Lee, col. 2, lines 29-30*).

In sum, when the semantics, syntax and application context of "the intended use of data" in Lee are all different from those of "image-modifying data" in the current application, this fact can only mean that Lee failed in teaching or suggesting an image display system comprising a visual server "having image processing capability where the visual server is configured to selectively receive image-modifying data corresponding to a generated image", and "generate a modified image based upon the image-modifying data".

Rejections Under 35 USC 102(e)

Claims 1 – 5, 9 – 12, 14 – 19, and 23 – 26 stand rejected under 35 USC Section 102(b) as anticipated by Lee et al (6,658,167; hereinafter Lee).

The Examiner rejected Claims 1, 5, 9, 12, 14 and 26 based on the rationale that Lee teaches or suggests all limitations contained in those Claims, including the following two limitations: "the visual server is configured to selectively receive image-modifying data corresponding to a generated image" and "generate a modified image based upon the image-modifying data".

Those two cited limitations are common in Claims 1, 9, 14, and 23. Claims 1 is reproduced here as representative for the purpose of discussion:

1. (Previously Amended) An image display system, comprising:

a visual server having image processing capabilities wherein the visual server is configured to selectively receive image-modifying data corresponding to a generated image, generate a modified image based upon the image-modifying data, and transmit the modified image as compressed data; and

at least one client in selective communication with the visual server, the client including an image display, the client configured to further selectively generate image-modifying data and transmit the image-modifying data to the visual server, and the client receives as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompresses the compressed image data, and displays the decompressed image on the client image display.

The claim language of Claim 1, 9, 14, and 23 is not met. Specifically, for example, Claim 1 recites, "the visual server is configured to selectively receive image-modifying data corresponding to a generated image". The Examiner states that the rationale for rejecting this limitation is based on Lee's disclosure of transmitting information related to the intended use of the data in a client application from the client computer to the server. Applicant respectfully submit that, since "image-modifying data" is syntactically and semantically different from "the intended use of data" (see discussion in previous section) and since this limitation is common to all Claims 1, 9, 14, and 23, the claim language of Claims 1, 9, 14, and 23 "the visual server is configured to selectively receive image-modifying data corresponding to a generated image" is not met. Moreover, it should be noted that Lee does not disclose any selectivity for "the intended use of data", so the claim limitation regarding "selectively receive" cannot be disclosed by Lee.

Claim 1, 9, 14, and 23 also recite features not shown or suggested by Lee. Specifically, for example, Claim 1 recites, "generate a modified image based upon the image-modifying data". The Examiner states that the rationale for rejecting this feature is based on Lee disclosure that the information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify the data. Applicant respectfully submits that, since the context of the "image-modifying data" (that is, its applications) in the server is different from that of "intended use of data" in the server as discussed in previous section and since this feature is common to all Claims 1, 9, 14, and 23, the feature of Claims 1, 9, 14, and 23 to "generate a modified image based upon the image-modifying data" is not taught or suggested by Lee.

Finally, dependent Claims 2-5, 10-12, 15-19, and 24-26 which depend directly from independent Claims 1, 9, 14 and 23 and incorporate all the limitations thereof, also include additional limitations that are not shown or suggested by Lee.

Thus, for these reasons, and for the reasons discussed above, Applicant respectfully requests withdrawal of this rejection.

Conclusion

Thus, all grounds of rejection and/or objection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. The Examiner is requested to telephone the undersigned attorney or Robert Groover for an interview to resolve any remaining issues.

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Respectfully submitted,

Malcolm Pipes, Reg. No. 46,995
Attorney for Applicant

Customer Number 29106
Groover & Holmes
PO Box 802889
Dallas, TX 75380
Tel: 972-980-5840
fax: 972-980-5841